

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 08-59688

THORNTON V. GREENHILL, JR.,

Chapter 13

Debtor.

Judge Thomas J. Tucker

THORNTON V. GREENHILL, JR.,

Adversary Case No. 08-5668

Plaintiff,

v.

BENEFICIAL MICHIGAN INC.,

Defendant.

ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on Debtor's "Motion To Reopen Case On The Grounds That The Default Which Caused the Dismissal Has Been Or Can Be Cured," filed on January 29, 2009 (Docket # 7, the "Motion"), which this Court construes as a motion for reconsideration of, and/or for relief from, the January 27, 2009 Order dismissing this case (Docket # 6), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court notes the following. The allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case. Plaintiff had three chances to correctly serve the

Defendant with process and so certify, and still did not do so. *See* Orders at Docket ## 3 and 5.

The Motion offers no excuse or explanation for this failure, let alone one that would justify relief.

Finally, the Court notes that in any event, this adversary proceeding was dismissed without prejudice, so Plaintiff may yet file a new adversary proceeding against this Defendant.

NOW, THEREFORE,

IT IS ORDERED that the Motion should be, and is, DENIED.

Signed on February 19, 2009

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge